


The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on June 30, 2022, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: June 30, 2022




ARTHUR I. HARRIS
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:)	Case No. 17-17361
)	
RICHARD M. OSBORNE,)	Chapter 7
)	
Debtor.)	Judge Arthur I. Harris

ORDER GRANTING TRUSTEE'S FIRST MOTION FOR ENTRY OF ORDER (I) AUTHORIZING AND APPROVING SALE OF EQUITY INTERESTS, (II) APPROVING COMPETITIVE AND INTERACTIVE BIDDING PROCEDURES FOR THE SALE OF EQUITY INTERESTS, AND (III) APPROVING FORM AND MANNER OF NOTICE

Upon the motion (the "Motion") dated May 31, 2022, filed by Kari B. Coniglio (the "Trustee"), the chapter 7 trustee for the bankruptcy estate of Richard M. Osborne (the "Debtor"), for entry of an order (i) authorizing and approving the sale of the property identified in **Exhibit 3** to the Trustee's Motion (collectively and individually, the "Equity Interests") to the party or parties that submit the highest and best bid(s) in a competitive and interactive bidding process; (ii) approving the bidding and other procedures relating to the sale of the Equity Interests (collectively, the "Bidding Procedures"), and (iii) approving the form and notice of the Bidding Procedures (the "Bidding Procedures Notice"); and the Court has jurisdiction to consider the Motion and the relief

requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this case is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Motion appearing adequate and appropriate under the circumstances; and the Court having found that no other or further notice be provided; and it appearing that the relief requested herein is in the best interest of the Debtor's estate, his creditors, and other parties-in-interest; and the Court having determined the legal and factual base set forth in the Motion establish just cause for the relief granted herein; and there being no objections to the relief granted herein; and after due deliberation and sufficient cause appearing, it is hereby ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Trustee is authorized and approved to sell the Equity Interests to the party or parties that submit the highest and best bid(s) in a competitive and interactive bidding process subject to this Order and the Bidding Procedures.
3. The Bidding Procedures set forth in **Exhibit 2** to the Motion are incorporated by reference in their entirety as if fully set forth at length herein, are approved in their entirety, and shall be effective and binding on all parties as if such Bidding Procedures were set forth in this Order.
4. The Trustee may adopt such other procedures that, in her reasonable judgment, will best promote the goal of a fair and competitive bidding process consistent with the Bidding Procedures, this Order, and any other applicable orders of the Court.
5. The Bidding Procedures Notice is approved and shall be served within five business days after entry of this Order or by July 8, 2022, whichever is later, unless extended by order of the Court.

6. The Trustee shall conduct the competitive and interactive bidding process in accordance with the terms and conditions of the Bidding Procedures.

7. Any sale of any of the Equity Interests shall be made on the same or substantially similar terms to those set forth in the Purchase Agreement, attached as **Exhibit 4** to the Motion.

8. The Winning Bidder¹ for each of the Equity Interests shall be deemed a good faith purchaser under 11 U.S.C. § 363(m).

9. No later than thirty (30) days after any sale closes, the Trustee will file a sale report for such sale with the Court identifying, at a minimum, the Winning Bidder, the Sale Proceeds, an accounting of the Sale Proceeds, and any other information required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules, or any order of this Court.

10. The Trustee shall hold all Sale Proceeds for distribution in accordance with further order(s) of this Court.

11. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation and/or interpretation of this Order.

IT IS SO ORDERED.

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¹ Unless otherwise defined herein, capitalized terms shall have the same meaning as in the Motion.

Respectfully submitted,

/s/ Marcel C. Duhamel

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